

REMARKS

Claims 1-30 are pending in the application. Claims 1, 11, 19 and 25 are independent. By the foregoing Amendment, claims 1, 11, 19, 21, 23, 25, and 27-28 have been amended. These changes are believed to introduce no new matter and their entry is respectfully requested.

Rejection of Claims 1, 7-9, 11, and 17-18 Under 35 U.S.C. §103(a)

In the Office Action, the Examiner rejected claims 1, 7-9, 11, and 17-18 under 35 U.S.C. §103(a) as being obvious over U.S. Patent Publication No. 2004/0024831 to Yang et al. (hereinafter “*Yang*”) in view of “IPMI – Intelligent Platform Management Bus Communications Protocol Specification v1.0, November 15, 1999” (hereinafter “IPMI”). Applicants respectfully traverse the rejection.

To establish a *prima facie* case of obviousness, the Examiner must show that the cited references teach each and every element of the claimed invention. (MPEP §2143.) *citing In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)). A patent composed of several elements is not proven obvious merely by demonstrating that each of its elements was independently known in the prior art. *KSR Int’l C. v. Teleflex, Inc.*, No 04-1350 (U.S. Apr. 30, 2007). If a combination or modification to a reference is used, an Examiner must show that there is some expectation of success that the combination or modification proffered would predictably result in the claimed invention. Obviousness is a question of law based on underlying factual inquiries. The factual inquiries enunciated by the U.S. Supreme Court in *KSR* include the *Graham* factors of determining the scope and content of the prior art, ascertaining the differences between the claimed invention and the prior art, and resolving the level of ordinary skill in the pertinent art.

Once the *Graham* factual inquiries are resolved, the Examiner must explain why the difference(s) between the cited references and the claimed invention would have been obvious to one of ordinary skill in the art. The rationale used must be a permissible rationale. The USPTO promulgated Examination Guidelines for Determining Obviousness in View of *KSR* in the Federal Register, Vol. 72, No. 195 (October 10, 2007). These *KSR* Guidelines enumerate permissible rationales and the findings of fact that must be made under the particular rationale.

It is not clear which rationale is used as the basis for the Examiner's rejection of claims 1, 7-9, 11, and 17-18. However, the Court in *KSR* noted that in any event combining known prior art elements is not sufficient to render the claimed invention obvious if the results would not have been predictable and/or if a person of ordinary skill in the art would not have an expectation of success that such a combination would result in the claimed invention. This *showing of predictability* and/or *expectation of success* is required no matter what rationale is used. This long-standing principle, as outlined in MPEP§2143.02, was merely reinforced by the Court in *KSR*. "A rationale to support a conclusion that a claim would have been obvious is that all the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded nothing more than predictable results to one of ordinary skill in the art. (*KSR International Co. v. Teleflex Inc.*, 550 U.S. ___, ___, 82 USPQ2d 1385, 1395 (2007); *Sakraida v. AG Pro, Inc.*, 425 U.S. 273, 282, 189 USPQ 449, 453 (1976); *Anderson's-Black Rock, Inc. v. Pavement Salvage Co.*, 396 U.S. 57, 62-63, 163 USPQ 673, 675 (1969); *Great Atlantic & P. Tea Co. v. Supermarket Equipment Corp.*, 340 U.S. 147, 152, 87 USPQ 303, 306 (1950).") Thus, the burden still remains on the Examiner to demonstrate each prong of the *three-part test*: (1) that each and every element is taught; (2) that one skilled in the art could have combined the references; and (3) that there is predictability/expectation of success.

Applicants respectfully submit that *Yang* in view of *IPMI* in further view of *Emerson* fails to teach each and every element in claims 1 and 11. Independent claims 1 and 11 recite in pertinent part "*using a software proxy layer* in a firmware unit *to emulate a baseboard management controller* and to interact with a management module of the blade server during the management mode of operation to manage operation of the processing blade, wherein the firmware unit having the *software proxy layer is included in the processing blade*; and *deactivating the management mode* of operation of the processor *using a management mode interrupt handle*" (emphasis added). Support for these changes can be found in Applicants' Specification at paragraphs [0017] and [0022] according to at least one embodiment of the claimed invention.

In the Office Action, the Examiner states that *Yang* teaches activating a management mode of operation of a processor on a processing blade, the processing blade included within a blade server; interacting with a management module of the blade server during the management mode of operation to manage operation of the processing blade; and deactivating the management mode of operation of the processor. The Examiner concedes that *Yang* fails to disclose a firmware unit and a software proxy unit to emulate a baseboard management controller, but asserts that these features are well known and cites IPMI and *Emerson* for support. In particular, the Examiner states that IPMI describes how firmware can be used to embed the management messaging protocol and other baseboard specific functions and that *Emerson* discloses a software proxy layer to emulate a baseboard management controller. The Examiner then combines *Yang* and IPMI and *Emerson* stating that one of ordinary skill would readily have recognized the desirability and advantages of modifying *Yang* in view of IPMI by employing a software proxy layer to emulate a baseboard management controller, such as is disclosed by *Emerson*, in order to monitor and correct failure conditions in a networked computer system. Applicants respectfully disagree.

Applicants respectfully submit that *Emerson* fails to teach “using a software proxy layer in a firmware unit to emulate a baseboard management controller” as the Examiner asserts. In the Office Action, the Examiner cites paragraph [0068] of *Emerson* for this proposition, stating that the VCD in *Emerson* is a virtual communication device that allows the remote server management controller to communicate with specific OS features such as the Emergency Management Services, and paragraphs [0073] – [0074] for describing how the VCD emulates a baseboard management controller in the form of intercepting signals from the system management controller and emulating serial ports that the OS locates for the use of Emergency Management Services. Applicants respectfully disagree with the Examiner’s interpretation of *Emerson*.

For example, paragraphs [0073] – [0074] of *Emerson* describes “During a boot of the managed server 20 (FIG. 1), the OS typically looks for the presence of a serial port by reading and writing to known locations in register space. When the system management controller wishes to connect to the OS through this interface (e.g. remote user is requesting this service), the VCD

600 may intercept these cycles on the PCI bus 314 and perform an emulated function instead. Under certain conditions, the VCD 600 may request the assistance of firmware running on the IOP to complete the function. The request of the VCD 600 may be initiated using the management interrupt signal 610. The following section describes the *registers that are emulated by the VCD* functionality of the remote console redirection module 500. The registers can be mapped to one of four possible legacy address regions depending upon configuration. These legacy I/O addresses corresponding to COM 1, COM 2, COM 3 and COM 4 are shown in Table 2” (emphasis added). Applicants respectfully submit that this language is not referring to emulating a baseboard management controller (BMC). *Emerson* appears to disclose using a VCD to emulate registers, COM ports, UARTS, etc., but not a BMC. Nowhere in *Emerson* is the term “BMC” even mentioned. Thus the Examiner has not demonstrated how *Yang* in view of IPMI in further view of *Emerson* teaches this element.

Applicants respectfully submit further that *Yang* in view of IPMI in further view of *Emerson* fails to disclose “*using a software proxy layer in a firmware unit to emulate a baseboard management controller* and to interact with a management module of the blade server during the management mode of operation to manage operation of the processing blade, wherein the firmware unit having the software proxy layer is *included in the processing blade*” as recited in claims 1 and 11. Applicants respectfully submit that this is because although *Yang* appears to disclose blade servers and *Emerson* appears to disclose firmware, none of the cited references discloses a BMC on a blade server. The IMPI, cited by the Examiner, which is version 1.0 dated November 15, 1999, does not support blade servers. Thus the BMC disclosed in IMPI does not contemplate having a BMC on a server blade. The blade server in *Yang*, the firmware in *Emerson* that does not emulate a BMC, and the IPMI that does not support blade servers do not add up to these elements.

Applicants respectfully submits further that *Yang* in view of IPMI in further view of *Emerson* fails to disclose “using a software proxy layer in a firmware unit to emulate a baseboard management controller and to interact with a management module of the blade server during the management mode of operation to manage operation of the processing blade, wherein the firmware unit having the software proxy layer is *included in the processing blade*” as recited in

claims 1 and 11. IPMI cannot disclose that the BMC is located on a processing blade because IPMI version 1.0 does not contemplate blade servers. The Examiner concedes that the firmware unit is not on the blade server in *Yang* and has not asserted nor proven that *Emerson* is directed to blade servers.

Also, *Yang* in view of IPMI in further view of *Emerson* fails to disclose “*deactivating the management mode* of operation of the processor *using a management mode interrupt handle*” (emphasis added). The Examiner cites *Yang* for this proposition. Applicants respectfully disagree. At most *Yang* appears to disclose switching from master management system to slave management system. However unlike the Examiner’s assertion, there is no deactivation of the management mode. In fact, switching in *Yang* is intended to prevent deactivation of the management mode. Thus upon switching from the master management system to the slave management system the management system in *Yang* is “immediately controlled” by the new master management blade. Moreover, *Yang* fails to disclose using a management mode interrupt handle to deactivate the management mode of operation of the processor.

This leads to the second prong of the test for obviousness: one of ordinary skill could have combined the cited references to arrive at the claimed invention. Applicants respectfully submit that this is not demonstrated. For example, if a person of ordinary skill in the relevant art attempted to effectively back-fit the technology of *Yang* into version 1.0 of the IPMI, the principle of operation of *Yang* would devolve into pre-blade server technology. This would at a minimum change the intended purpose of *Yang*, which is to manage blade servers. Thus *Yang* teaches away from its combination with IPMI.

The third prong is that there is predictability/expectation of success of arriving at the claimed invention when combining the cited references in the manner proposed by the Examiner. Assuming for the sake of argument that the Examiner has demonstrated that the combination is proper and each and every element is taught by the combination, which Applicants are not conceding, the Examiner still must demonstrate that there is predictability/expectation of success of arriving at the claimed invention. If the Examiner has not demonstrated this prong, the Examiner still has not met the burden of making out a *prima facie* case of obviousness.

Applicants respectfully submit that the Examiner has failed to demonstrate that combining *Yang* with IPMI and with *Emerson* would predictably result in claims 1 and/or 11. As a first matter, the Examiner has not even addressed this prong of the test. The Examiner's rationale is that the combination would be desirable to monitor and correct failure conditions in a networked computer system. This has nothing to do with the predictability of arriving at the features in claims 1 and/or 11.

As a second matter, Applicants respectfully submit that the combination of *Yang* in view of IPMI in further view of *Emerson* proposed by the Examiner would not predictably result in claims 1 and/or 11. In *Yang*, as the Examiner concedes, there is no firmware. The Examiner asserts that the firmware in IPMI can be used to embed the management messaging protocol and other baseboard-specific function, but does not address that the firmware be used to emulate a BMC. As discussed above, IPMI version 1.0 does not contemplate blade servers, thus it makes sense that it is not suitable for consideration for combining with *Yang* to arrive at the claimed invention with any predictability.

Because *Yang* in view of IPMI in further view of *Emerson* fails to teach each and every element of claims 1 and/or 11, because the Examiner has not offered a proper rationale for combining *Yang* in view of IPMI in further view of *Emerson*, and because the Examiner has failed to demonstrate how the combination of *Yang* in view of IPMI in further view of *Emerson* would predictably result in claims 1 and/or 11 with an expectation of success Applicants respectfully submit that claims 1 and/or 11 are patentable over *Yang* in view of IPMI in further view of *Emerson*. Claims 7-9 properly depend from claim 1 and are thus patentable for at least the same reasons that claim 1 is patentable. Claims 17-18 properly depend from claim 11 and are thus patentable for at least the same reasons that claim 11 is patentable. (MPEP §2143.03 (citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988))). Accordingly, Applicants respectfully request that the Examiner reconsider and remove the rejection to claims 1, 7-9, 11, and 17-18.

Rejection of Claim 19 Under 35 U.S.C. §103(a)

In the Office Action, the Examiner rejected claim 19 under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 6,931,475 to Huang et al. (hereinafter “*Huang*”) in view of IPMI in further view of *Emerson*. Applicants respectfully traverse the rejection.

Applicants respectfully submit that *Huang* in view of IPMI in further view of *Emerson* fails to teach each and every element in claim 19. Independent claim 19 recites in pertinent part “a firmware unit having a software proxy layer communicatively coupled to the processor the ***software proxy layer to emulate a baseboard management controller*** and to communicate with the CMM during a management mode of operation of the processor to coordinate operation of the processing blade with the CMM” (emphasis added). Support for these changes can be found in Applicants’ Specification at paragraphs [0017] and [0022] according to at least one embodiment of the claimed invention.

In the Office Action, the Examiner states that *Huang* teaches a processing blade, comprising: a processor to execute instructions, a communication link communicatively coupled to the processor, the communication link to communicatively couple to a chassis management module of a blade server, a unit communicatively coupled to the processor and having stored therein a virtual management controller, and a processor to execute the VMC to communicate with the CMM during a management mode of operation of the processor to coordinate operation of the processing blade with the CMM. The Examiner concedes that *Huang* fails to disclose a a firmware unit and a software proxy unit to emulate a baseboard management controller, but asserts that these features are well known and cites IPMI and *Emerson* for support. In particular, the Examiner states that IPMI describes how firmware can be used to embed the management messaging protocol and other baseboard specific functions and that *Emerson* discloses a software proxy layer to emulate a baseboard management controller. The Examiner then combines *Huang* and IPMI and *Emerson* stating that one of ordinary skill would readily have recognized the desirability and advantages of modifying *Huang* in view of IPMI by employing a software proxy layer to emulate a baseboard management controller, such as is disclosed by *Emerson*, in order to monitor and correct failure conditions in a networked computer system. Applicants respectfully disagree. Applicants respectfully disagree.

Applicants respectfully submit that *Emerson* fails to teach “using a software proxy layer in a firmware unit to emulate a baseboard management controller” as the Examiner asserts. In the Office Action, the Examiner cites paragraph [0068] of *Emerson* for this proposition, stating that the VCD in *Emerson* is a virtual communication device that allows the remote server management controller to communicate with specific OS features such as the Emergency Management Services, and paragraphs [0073] – [0074] for describing how the VCD emulates a baseboard management controller in the form of intercepting signals from the system management controller and emulating serial ports that the OS locates for the use of Emergency Management Services. Applicants respectfully disagree with the Examiner’s interpretation of *Emerson*.

For example, paragraphs [0073] – [0074] of *Emerson* describes “During a boot of the managed server 20 (FIG. 1), the OS typically looks for the presence of a serial port by reading and writing to known locations in register space. When the system management controller wishes to connect to the OS through this interface (e.g. remote user is requesting this service), the VCD 600 may intercept these cycles on the PCI bus 314 and perform an emulated function instead. Under certain conditions, the VCD 600 may request the assistance of firmware running on the IOP to complete the function. The request of the VCD 600 may be initiated using the management interrupt signal 610. The following section describes the *registers that are emulated by the VCD* functionality of the remote console redirection module 500. The registers can be mapped to one of four possible legacy address regions depending upon configuration. These legacy I/O addresses corresponding to COM 1, COM 2, COM 3 and COM 4 are shown in Table 2” (emphasis added). Applicants respectfully submit that this language is not referring to emulating a baseboard management controller (BMC). *Emerson* appears to disclose using a VCD to emulate registers, COM ports, UARTS, etc., but not a BMC. Nowhere in *Emerson* is the term “BMC” even mentioned. Thus the Examiner has not demonstrated how *Huang* in view of IPMI in further view of *Emerson* teaches this element.

Applicants respectfully submit further that *Huang* in view of IPMI in further view of *Emerson* fails to disclose a software proxy layer in a firmware unit included in the processing

blade” as recited in claims 1 and 11. Applicants respectfully submit that this is because although *Huang* appears to disclose blade servers and *Emerson* appears to disclose firmware, none of the cited references discloses a BMC on a blade server. The IPMI, cited by the Examiner, which is version 1.0 dated November 15, 1999, does not support blade servers. Thus the BMC disclosed in IPMI does not contemplate having a BMC on a server blade. The blade server in *Huang*, the firmware in *Emerson* that does not emulate a BMC, and the IPMI that does not support blade servers do not add up to these elements.

Applicants respectfully submits further that *Huang* in view of IPMI in further view of *Emerson* fails to disclose a firmware unit having the software proxy layer included in the processing blade” as recited in claim 19. IPMI cannot disclose that the BMC is located on a processing blade because IPMI version 1.0 does not contemplate blade servers. The Examiner concedes that the firmware unit is not on the blade server in *Huang* and has not asserted not proven that *Emerson* is directed to blade servers.

This leads to the second prong of the test for obviousness: one of ordinary skill could have combined the cited references to arrive at the claimed invention. Applicants respectfully submit that this is not demonstrated. For example, if a person of ordinary skill in the relevant art attempted to effectively back-fit the technology of *Huang* into version 1.0 of the IPMI, the principle of operation of *Huang* would devolve into pre-blade server technology. This would at a minimum change the intended purpose of *Huang*, which is to manage blade servers. Thus *Huang* teaches away from its combination with IPMI.

The third prong is that there is predictability/expectation of success of arriving at the claimed invention when combining the cited references in the manner proposed by the Examiner. Assuming for the sake of argument that the Examiner has demonstrated that the combination is proper and each and every element is taught by the combination, which Applicants are not conceding, the Examiner still must demonstrate that there is predictability/expectation of success of arriving at the claimed invention. If the Examiner has not demonstrated this prong, the Examiner still has not met the burden of making out a *prima facie* case of obviousness.

Applicants respectfully submit that the Examiner has failed to demonstrate that combining *Huang* with IPMI and with *Emerson* would predictably result in claim 19. As a first matter, the Examiner has not even addressed this prong of the test. The Examiner's rationale is that the combination would be desirable to monitor and correct failure conditions in a networked computer system. This has nothing to do with the predictability of arriving at the features in claim 19.

As a second matter, Applicants respectfully submit that the combination of *Huang* in view of IPMI in further view of *Emerson* proposed by the Examiner would not predictably result in claim 19. In *Huang*, as the Examiner concedes, there is no firmware. The Examiner asserts that the firmware in IPMI can be used to embed the management messaging protocol and other baseboard-specific function, but does not address that the firmware be used to emulate a BMC. As discussed above, IPMI version 1.0 does not contemplate blade servers, thus it makes sense that it is not suitable for consideration for combining with *Huang* to arrive at the claimed invention with any predictability.

Because *Huang* in view of IPMI in further view of *Emerson* fails to teach each and every element of claim 19, because the Examiner has not offered a proper rationale for combining *Huang* in view of IPMI in further view of *Emerson*, and because the Examiner has failed to demonstrate how the combination of *Huang* in view of IPMI in further view of *Emerson* would predictably result in claim 19 with an expectation of success Applicants respectfully submit that claim 19 is patentable over *Huang* in view of IPMI in further view of *Emerson*.

Rejection of Claim 25 Under 35 U.S.C. §103(a)

In the Office Action, the Examiner rejected claim 25 under 35 U.S.C. §103(a) as being obvious over U.S. Patent Publication No. 2004/0268157 to Dake et al. (hereinafter "*Dake*") in view of IPMI in further view of *Emerson*. Applicants respectfully traverse the rejection.

Independent claim 25 recites in pertinent part "a flash memory unit communicatively coupled to the processor and having stored therein a firmware unit having a software proxy layer, the *software proxy layer to emulate a baseboard management controller* and to communicate

with the CMM during a management mode of operation of the processor to coordinate operation of each of the plurality of processing blades with the CMM” (emphasis added). Support for these changes can be found in Applicants’ Specification at paragraphs [0017] and [0022] according to at least one embodiment of the claimed invention.

In the Office Action, the Examiner states that *Dake* teaches among other things a memory unit communicatively coupled to a processor and having stored therein a virtual management controller (citing paragraph [0022] for the feature “flash memory”) because memory can be used as a nonvolatile storage for the processor connected to each blade and flash device stores the management module that is used to control resources of each blade server (citing paragraph [0019]). The Examiner then concedes that *Dake* fails to disclose a flash memory unit and emulating a baseboard management controller but asserts that these features are well known and cites IPMI and *Emerson* for support. Applicants respectfully disagree.

Applicants respectfully submit that *Emerson* fails to teach “using a software proxy layer in a firmware unit to emulate a baseboard management controller” as the Examiner asserts. In the Office Action, the Examiner cites paragraph [0068] of *Emerson* for this proposition, stating that the VCD in *Emerson* is a virtual communication device that allows the remote server management controller to communicate with specific OS features such as the Emergency Management Services, and paragraphs [0073] – [0074] for describing how the VCD emulates a baseboard management controller in the form of intercepting signals from the system management controller and emulating serial ports that the OS locates for the use of Emergency Management Services. Applicants respectfully disagree with the Examiner’s interpretation of *Emerson*.

For example, paragraphs [0073] – [0074] of *Emerson* describes “During a boot of the managed server 20 (FIG. 1), the OS typically looks for the presence of a serial port by reading and writing to known locations in register space. When the system management controller wishes to connect to the OS through this interface (e.g. remote user is requesting this service), the VCD 600 may intercept these cycles on the PCI bus 314 and perform an emulated function instead. Under certain conditions, the VCD 600 may request the assistance of firmware running on the IOP to complete the function. The request of the VCD 600 may be initiated using the

management interrupt signal 610. The following section describes the *registers that are emulated by the VCD* functionality of the remote console redirection module 500. The registers can be mapped to one of four possible legacy address regions depending upon configuration. These legacy I/O addresses corresponding to COM 1, COM 2, COM 3 and COM 4 are shown in Table 2” (emphasis added). Applicants respectfully submit that this language is not referring to emulating a baseboard management controller (BMC). *Emerson* appears to disclose using a VCD to emulate registers, COM ports, UARTS, etc., but not a BMC. Nowhere in *Emerson* is the term “BMC” even mentioned. Thus the Examiner has not demonstrated how *Dake* in view of IPMI in further view of *Emerson* teaches this element.

Applicants respectfully submit further that *Dake* in view of IPMI in further view of *Emerson* fails to disclose a software proxy layer in a firmware unit included in the processing blade” as recited in claims 1 and 11. Applicants respectfully submit that this is because although *Dake* appears to disclose blade servers and *Emerson* appears to disclose firmware, none of the cited references discloses a BMC on a blade server. The IMPI, cited by the Examiner, which is version 1.0 dated November 15, 1999, does not support blade servers. Thus the BMC disclosed in IMPI does not contemplate having a BMC on a server blade. The blade server in *Dake*, the firmware in *Emerson* that does not emulate a BMC, and the IPMI that does not support blade servers do not add up to these elements.

Applicants respectfully submits further that *Dake* in view of IPMI in further view of *Emerson* fails to disclose a firmware unit having the software proxy layer included in the processing blade” as recited in claim 25. IPMI cannot disclose that the BMC is located on a processing blade because IPMI version 1.0 does not contemplate blade servers. The Examiner concedes that the firmware unit is not on the blade server in *Dake* and has not asserted not proven that *Emerson* is directed to blade servers.

This leads to the second prong of the test for obviousness: one of ordinary skill could have combined the cited references to arrive at the claimed invention. Applicants respectfully submit that this is not demonstrated. For example, if a person of ordinary skill in the relevant art attempted to effectively back-fit the technology of *Dake* into version 1.0 of the IPMI, the

principle of operation of *Dake* would devolve into pre-blade server technology. This would at a minimum change the intended purpose of *Dake*, which is to manage blade servers. Thus *Dake* teaches away from its combination with IPMI.

The third prong is that there is predictability/expectation of success of arriving at the claimed invention when combining the cited references in the manner proposed by the Examiner. Assuming for the sake of argument that the Examiner has demonstrated that the combination is proper and each and every element is taught by the combination, which Applicants are not conceding, the Examiner still must demonstrate that there is predictability/expectation of success of arriving at the claimed invention. If the Examiner has not demonstrated this prong, the Examiner still has not met the burden of making out a *prima facie* case of obviousness.

Applicants respectfully submit that the Examiner has failed to demonstrate that combining *Dake* with IPMI and with *Emerson* would predictably result in claim 25. As a first matter, the Examiner has not even addressed this prong of the test. The Examiner's rationale is that the combination would be desirable to monitor and correct failure conditions in a networked computer system. This has nothing to do with the predictability of arriving at the features in claim 25.

As a second matter, Applicants respectfully submit that the combination of *Dake* in view of IPMI in further view of *Emerson* proposed by the Examiner would not predictably result in claim 25. In *Dake*, as the Examiner concedes, there is no firmware. The Examiner asserts that the firmware in IPMI can be used to embed the management messaging protocol and other baseboard-specific function, but does not address that the firmware be used to emulate a BMC. As discussed above, IPMI version 1.0 does not contemplate blade servers, thus it makes sense that it is not suitable for consideration for combining with *Dake* to arrive at the claimed invention with any predictability.

Because *Dake* in view of IPMI in further view of *Emerson* fails to teach each and every element of claim 25, because the Examiner has not offered a proper rationale for combining *Dake* in view of IPMI in further view of *Emerson*, and because the Examiner has failed to

demonstrate how the combination of *Dake* in view of IPMI in further view of *Emerson* would predictably result in claim 25 with an expectation of success Applicants respectfully submit that claim 25 is patentable over *Dake* in view of IPMI in further view of *Emerson*.

Rejection of Claims 2-6, 10, 12-16, 20-24, and 26-30 Under 35 U.S.C. §103(a)

In the Office Action, the Examiner rejected claims 2-6, 10, 12-16, 20-24, and 26-30 under 35 U.S.C. §103(a) as being obvious over various combinations of *Dake*, IPMI, *Emerson*, *Yang*, *Huang*, U.S. Patent Publication No. US 2004/0030944 to Barr et al. (hereinafter “*Barr*”), U.S. Patent Publication No. US 2003/0188222 to Abbondanzio et al. (hereinafter “*Abbondanzio I*”), U.S. Patent Publication No. US 2003/0105904 to Abbondanzio et al. (hereinafter “*Abbondanzio II*”), and U.S. Patent Publication No. US 2002/0016868 to Peacock (hereinafter “*Peacock*”). Applicants respectfully traverse the rejection.

Claims 2-6 and 10 properly depend from claim 1 and are thus patentable for at least the same reasons that claim 1 is patentable. Claims 12-16 properly depend from claim 11 and are thus patentable for at least the same reasons that claim 11 is patentable. Claims 20-24 properly depend from claim 19 and are thus patentable for at least the same reasons that claim 19 is patentable. Claims 26-30 properly depend from claim 25 and are thus patentable for at least the same reasons that claim 25 is patentable. (MPEP §2143.03 (citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)). Accordingly, Applicants respectfully request that the Examiner reconsider and remove the rejection to claims 2-6, 10, 12-16, 20-24, and 26-30.

CONCLUSION

Applicants respectfully submit that all grounds for rejection have been properly traversed, accommodated, or rendered moot and that the application is now in condition for allowance. The Examiner is invited to telephone the undersigned representative if the Examiner believes that an interview might be useful for any reason.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

/June 17, 2008/

Date

1279 Oakmead Parkway
Sunnyvale, CA 94085-4040
(206) 292-8600

/Jan Little-Washington/

Jan Little-Washington
Reg. No. 41,181

CERTIFICATE OF MAILING/TRANSMISSION

I hereby certify that this correspondence is being submitted electronically via EFS Web on the date shown below.

/Sarra J. Kim/

Sarra J. Kim

/June 17, 2008/

date